

United States District Court
EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 14 2012

JAMES R. LARSEN
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

KEVIN M. ELLISON

CASE NUMBER: *MS-12-207*

(Name & Address of Defendant)

I, the complainant in this case, state the following is true and correct to the best of my knowledge and belief.

This complaint is based on these facts:

That on or about June 14, 2012, in the Eastern District of Washington, KEVIN M. ELLISON maliciously damaged, and attempted to damage and destroy, by means of fire, Big Trout Lodge Apartment Complex, Unit No. 256, Building #11, which is a building engaged in interstate commerce, located at 22809 E. Country Vista, Liberty Lake, Washington, in violation of 18 U.S.C. § 844(i).

Continued on the attached sheet incorporated herein by this reference. ☒ Yes ☐ No

Sworn to before me and signed in my presence

June 14, 2012

Date

CYNTHIA IMBROGNO

United States Magistrate Judge

Name and Title of Judicial Officer

Lance Hart
Signature of Complainant Lance Hart
Special Agent, ATF

at Spokane, Washington

City and State

[Signature]
Signature of Judicial Officer

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AUSA Assigned: AA

In re: Criminal Complaint Kevin M. Ellison (Spokane County)

AFFIDAVIT

STATE OF WASHINGTON)
 :SS
County of Spokane)

Lance Hart, being first duly sworn on oath, deposes and states:

Affiant's Experience

1. That your affiant is a Special Agent of the Bureau of Alcohol, Tobacco, and Firearms (ATF) and is presently assigned to the Spokane Field Office.

2. Your affiant has been employed as an ATF Agent for approximately 25 years. As an ATF Agent, your affiant's duties include the investigation of incendiary or arson fires. Your affiant has received specialized training in fire science from the University of Maryland and ATF. Your affiant received certification as a certified fire investigator (CFI) by ATF following two years of specialized training pertaining to fire scene origin and cause investigations. Your affiant has also testified as an expert in both state and federal court regarding fire scene origin and cause determinations.

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Applicable Statutory Authority

Title 18, United States Code, Section 844 (i) provides that:

Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.

Facts in Support of Complaint

3. On June 14, 2012, at approximately 5:30 a.m., a fire was discovered at Big Trout Lodge Apartment complex, building #11, unit #256, located at 22809 E Country Vista, Liberty Lake, Washington. The Big Trout Lodge Apartment complex is a commercial rental property, which is engaged in interstate commerce. According to the assistant manager, Scarlet Stalter, there are approximately 297 apartments in the complex and there are approximately 23 apartments in Building #11. Scarlet Stalter advised your affiant that the Spokane Shock Football Team leased apartment # 256 on or about March 1, 2012, and that the apartment was occupied by Kevin ELLISON, a member of the Spokane Shock Football Team. Ms. Stalter also advised your affiant that they are managed by Riverstone

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Residential Group a nationwide property management company. The Big Trout Lodge Apartments currently has tenants who have relocated from various states outside the state of Washington.

4. On June 14, 2012, Spokane Valley Deputy Fire Marshal (DFM) Clifton Mehaffey notified your affiant that a commercial fire had occurred at the Big Trout Lodge Apartment complex, in apartment # 256. According to DFM Mehaffey, the tenant of the apartment, Kevin ELLISON, escaped through the apartment window and was subsequently transported and treated at Deaconess Hospital. Deputy Marshal Mehaffey advised your affiant that when he contacted ELLISON at Deaconess Hospital, ELLISON told Mehaffey that he had deliberately set his bed on fire with a cigar, because "God" had told him to set the bed on fire. According to DFM Mehaffey, he subsequently advised ELLISON of his right to remain silent and right to counsel by reading to ELLISON from a rights card. According to DFM Mehaffey ELLISON voluntarily waived his rights and stated that he had deliberately set his bed on fire because "GOD" had told him to do so. ELLISON subsequently talked with a family member over the telephone and immediately invoked his right to remain silent and right to counsel.

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5. On June 14, 2012, your affiant contacted Spokane Valley Fire Marshal Kevin Miller by telephone and learned that the fire at Big Trout Lodge in apartment #256 was investigated by Miller and Spokane Valley Fire Investigator Greg Bennett. The fire in unit #256 was subsequently classified as incendiary. The preliminary fire damage is estimated to be approximately \$50,000.

6. On June 14, 2012, your affiant contacted Ryan Rigmaiden, the General Manager of the Spokane Shock Football Team at Deaconess Hospital. Rigmaiden advised your affiant that ELLISON had told him that he had set his bed on fire using a "blunt" because "GOD" had told him to do it.

7. On June 14, 2012, DFM Mehaffey interviewed David Tucker, a member of the Spokane Shock Football Team. According to Mehaffey, Tucker is a roommate of ELLISON and that they both reside in unit #256 at Big Trout Lodge Apartments. According to Mehaffey, Tucker stated that he awoke to the sound of his smoke alarm and he attempted to contact ELLISON by knocking on his bedroom door. Tucker reported that ELLISON stated, "I'm good", but did not open the door. Tucker left the apartment and notified the other tenants of the fire.

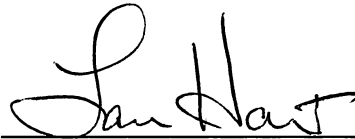
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8. On June 14, 2012, your affiant contacted Kevin ELLISON at Deaconess Hospital. Your affiant identified himself to ELLISON. ELLISON advised your affiant immediately that he was not supposed to answer any questions. Your affiant asked ELLISON if he was okay physically and whether he needed anything. ELLISON advised your affiant that he just wanted to get out of it and for it all to go away.

Based on the above, your affiant submits that there is probable cause to believe ELLISON committed a violation of 18 U.S.C. § 844(i).



Lance Hart, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

SUBSCRIBED AND SWORN to before me this 14th day of June, 2012.



Cynthia Imbrogno
United States Magistrate Judge

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